

II. Remarks

A. Status of the Claims

Claims 1-8 will be pending after entry of this amendment. Claims 9-36 were previously canceled. Claim 1 has been amended without prejudice. Applicant submits that no new matter has been added by virtue of this amendment.

Prior to addressing the current rejections, Applicant wishes to thank the Examiner for entering the amendments submitted by the Applicant on November 20, 2008. Applicant also wishes to thank the Examiner for the personal interview on February 2, 2009.

B. Interview Summary

The Examiner met with Applicant's representatives Lisa K. Schroeder and Elizabeth Pietrowski for a personal interview at the Examiner's office on February 2, 2009. The Examiner and Applicant's representatives began the interview with a discussion of the current rejection of claims 1-8 under 35 USC §102(a) as being anticipated by Gicquel et al. In response, Applicant's representatives proposed amending claim 1 to remove SEQ ID NO:43. The Examiner indicated that such an amendment would render the remaining rejection moot, subject only to a final sequence search upon receipt of Applicant's formal response.

C. Claim Rejections Under 35 USC §102(a)

In the Office Action, the Examiner rejected claims 1-8 under 35 USC §102(a) as being anticipated by Gicquel et al. The Examiner alleged that Gicquel et al. teach an isolated DNA encoding a polypeptide with an amino acid sequence identical to SEQ ID NO:43 of the instant application.

In response, Applicant has amended claim 1 without prejudice to remove SEQ ID NO:43. Accordingly, Applicant respectfully submits that the rejection under 35 USC §102(a) has been rendered moot by virtue of this amendment and requests that such rejection be removed.

III. Conclusion

In view of the amendment made, it is believed that all claims are in condition for allowance. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is invited to telephone the undersigned at (973) 422-6532. The undersigned may also be contacted by e-mail at lschroeder@lowenstein.com. All correspondence should be directed to the address listed below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account 50-1358.

Respectfully submitted,
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